

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

SELENA HOWARD; DARIOUS LEGGETT; and
ANTRINET LEGGETT

PLAINTIFFS

V.

CIVIL ACTION NO.: 2:19-cv-84-KS-MTP

FORREST COUNTY;
CHEY SUMRALL, individually and
In his official capacity; BLAKE BASS,
Individually and in his official capacity

DEFENDANTS

EXPEDITED CONSIDERATION REQUESTED

**FORREST COUNTY, MISSISSIPPI, CHEY SUMRALL, AND
BLAKE BASS' MOTION FOR LEAVE TO FILE EXCESS PAGES**

Come now, Forrest County, Mississippi, Chey Sumrall ("Dep. Sumrall"), and Blake Bass ("Dep. Bass")¹, by and through counsel, and respectfully requests the Court's leave to exceed the page limitation of L.U. Civ. R. 7(b)(5) in their Reply to Plaintiffs' Response to Motion for Summary Judgment. In support of the same, the moving defendants would show unto the Court as follows:

1. Due to the numerous claims, Plaintiffs, and intricate theories of liability asserted against the moving defendant, moving defendant's Memorandum in Support of Motion for Summary Judgment contains thirty-one (31) pages in length, excluding the signature and Certificate of Service.

¹ Dep. Bass changed his name to "Blake Smith" in January of 2020. *Blake Bass Depo.*, p. 4:11-16. To avoid any confusion, Defendants will refer to Blake Smith as "Dep. Bass" in the instant motion.

2. The total number of pages for both a movant's original and rebuttal/reply memoranda allowed by L.U. Civ. R. 7(b)(5) is thirty-five (35) pages. Given that Defendant submitted a brief-in-chief that is thirty-one (31) pages excluding the signature and the certificate of service, moving defendant is limited to only four (4) pages for its Reply.

3. In order to respond sufficiently to the arguments raised by the Plaintiffs in their Response in Opposition to Defendant's Motion for Summary Judgment, moving defendants respectfully request that the Court allow them to exceed the page limitation in their Reply by twelve (12) pages, for a total length of sixteen (16) pages, excluding the Certificate of Service. Moving defendant's Reply is currently due today, June 23, 2020.

4. Counsel for Defendant has, in the interest of judicial economy moved for summary judgment on the claims of all three (3) Plaintiffs in one brief-in-chief and Reply brief, rather than having filed three (3) separate Motions for Summary Judgment, memoranda of authorities, and Reply briefs.

5. Counsel for Defendants have conferred with Plaintiffs' counsel who has not responded as to whether they are opposed to the instant motion, however have indicated in their Response in Opposition that they would oppose the same. *CM/ECF Doc. No. 56, Resp.*

6. Plaintiffs contend in their Response that the page limit implemented by Local Rule 7(b)(5) includes Defendants' Motion for Summary Judgment, as well as the Memorandum in Support and Reply brief. *Resp.*, p. 2. According to Plaintiffs' Response,

Defendants have already exceeded their page limit due to their Motion and Memorandum being a combined number of fifty-four (54) pages long. *Id.*

7. To the contrary, the rule states, “[m]ovant’s original and rebuttal *memorandum briefs* together may not exceed a total of thirty-five pages [...]” L.U. Civ. R. 7(b)(5). Put simply, the rule does not include the page length of the Motion for Summary Judgment. Instead, the rule states that the original Memorandum in Support and Reply brief cannot exceed thirty-five (35) pages.

8. Since Defendants’ Original Memorandum was only thirty-one (31) pages, they have not exceeded the page limit prior to the instant motion.

9. In light of the simple nature of the instant Motion to Exceed Page Limitation, moving defendants respectfully request that they be relieved of any requirement to submit a supporting Memorandum of Authorities.

WHEREFORE PREMISES CONSIDERED for all the reasons stated herein, Defendants Forrest County, Mississippi, Deputy Chey Sumrall, and Deputy Blake Bass respectfully request that this honorable court grant them leave to exceed the page limitation in their Reply by twelve (12) pages, for a total length of sixteen (16) pages, excluding the signature and Certificate of Service.

DATE: June 23, 2020

Respectfully submitted,

**FORREST COUNTY, MISSISSIPPI,
CHEY SUMRALL, AND BLAKE BASS**

BY: /s/ Christina J. Smith
One of Their Attorneys

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CERTIFICATE

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing Motion for Leave to File Excess Pages with the Clerk of the Court using the ECF system, which gave notice of the same to the following:

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This the 23rd day of June, 2020.

/s/ Christina J. Smith
OF COUNSEL